

§ 76.225

the broadcasting services are equally applicable to origination cablecasting.

[39 FR 18401, Apr. 28, 1974, as amended at 42 FR 19348, Apr. 13, 1977; 42 FR 23510, May 9, 1977; 57 FR 212, Jan. 3, 1992; 57 FR 8279, Mar. 9, 1992]

§ 76.225 Commercial limits in children's programs.

(a) No cable operator shall air more than 10.5 minutes of commercial matter per hour during children's programming on weekends, or more than 12 minutes of commercial matter per hour on weekdays.

(b) This rule shall not apply to programs aired on a broadcast television channel which the cable operator passively carries, or to access channels over which the cable operator may not exercise editorial control, pursuant to 47 U.S.C. 531(e) and 532(c)(2).

(c) Cable operators must maintain records sufficient to verify compliance with this rule and make such records available to the public. Such records must be retained for a period sufficient to cover the limitations period specified in 47 U.S.C. 503(b)(6)(B).

NOTE 1: *Commercial matter* means air time sold for purposes of selling a product or service.

NOTE 2: For purposes of this section, children's programming refers to programs originally produced and broadcast primarily for an audience of children 12 years old and younger.

[56 FR 19616, Apr. 29, 1991]

§ 76.227 Blocking of indecent sexually-oriented programming channels.

(a) In providing sexually explicit adult programming or other programming that is indecent on any channel of its service primarily dedicated to sexually-oriented programming, a multichannel video programming distributor shall fully scramble or otherwise fully block the video and audio portion of such channel so that one not a subscriber to such channel or programming does not receive it.

(b) Until a multichannel video programming distributor complies with the requirement set forth in paragraph (a) of this section, the multichannel video programming distributor shall not provide the programming referred

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to in paragraph (a) of this section between the hours of 6 a.m. and 10 p.m.

(c) Scramble means to rearrange the content of the signal of the programming so that the programming cannot be viewed or heard in an understandable manner.

(d) Sexually explicit adult programming or other programming that is indecent means any programming that describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards for the cable or other multichannel video programming distribution medium.

[61 FR 9650, Mar. 11, 1996]

Subpart H—General Operating Requirements

§ 76.300 Scope of application.

(a) The provisions of §§ 76.302, 76.306, and 76.307 are applicable to all cable television systems.

(b) The provisions of §§ 76.301 and 76.305 are not applicable to any cable television system serving fewer than 1,000 subscribers.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; (47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317))

[42 FR 19349, Apr. 13, 1977, as amended at 43 FR 20235, May 11, 1978; 58 FR 17364, Apr. 2, 1993]

§ 76.301 Copies of rules.

The operator of a cable television system shall have a current copy of Part 76 and, if subject to the Emergency Alert System (EAS) rules contained in Part 11 of this chapter, an EAS Operating Handbook, and is expected to be familiar with the rules governing cable television systems and the EAS. Copies of the Commission's Rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at nominal cost. Copies of the EAS Operating Handbook may be obtained from the Commission's EAS staff, in Washington, DC.

[59 FR 67103, Dec. 28, 1994]